

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Mark Kenneth Baber Saxby, Andrew John  
Winterburn, Gary Dickinson, and Jeremy  
Wilson,

Petitioners,

To Issue A Subpoena For the Taking of  
Testimony

**Civil Action No. 1:20-mc-91461**

**APPLICATION OF PETITIONERS MARK KENNETH BABER SAXBY, ANDREW  
JOHN WINTERBURN, GARY DICKINSON AND JEREMY WILSON PURSUANT TO  
28 U.S.C. § 1782 TO TAKE TESTIMONY FOR USE IN FOREIGN PROCEEDINGS**

Pursuant to 28 U.S.C. § 1782 and Rule and 45 of the Federal Rules of Civil Procedure, Petitioners Mark Kenneth Baber Saxby, Andrew John Winterburn, Gary Dickinson, Jeremy Wilson (“Petitioners”) apply for an Order from this Court granting leave to immediately serve subpoenas on Adam Gordon, a resident of the Commonwealth of Massachusetts, to compel him to give deposition testimony no later than 4:00 pm on October 7, 2020 and subsequent testimony at trial via videoconferencing technology during a trial pending in the United Kingdom (the “UK Litigation”), captioned as follows:

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS IN LEEDS  
BUSINESS LIST (CHD)  
BETWEEN**

**Claim no. C30LS701**

**(1) MARK KENNETH BABER SAXBY  
(2) ANDREW JOHN WINTERBURN  
(3) GARY DICKINSON  
(4) JEREMY WILSON**

**Claimants**

**- and -**

**UDG HEALTHCARE (UK) HOLDINGS LTD**

**Defendant**

Petitioners are the Claimants in the UK Litigation. Petitioners seek to introduce the testimony of Mr. Gordon, a former employee of the Defendant in the UK Litigation, at the trial in the UK Litigation, first by taking a deposition of Mr. Gordon that will be used as the direct examination of Mr. Gordon, followed by cross-examination and re-direct examination of Mr. Gordon via videolink at trial. **Both the judge presiding over the UK Litigation and Defendant in the UK Litigation consent to this procedure. Defendant has consented to the entry of the proposed order attached as Exhibit A. The witness, Mr. Gordon, has confirmed he does not object to the entry of the proposed order attached as Exhibit A.**

Petitioners' application is based on the accompanying memorandum of law, Declaration of Scott R. Magee, and Declaration of Kayleigh Fantoni. The trial in the UK Litigation is scheduled to begin on November 2, 2020. Following pretrial hearings in the UK Litigation that occurred on September 11 and 15, 2020, the presiding judge in the UK Litigation set a deadline for Petitioners/Claimants to submit any deposition evidence to the UK Court no later than 4:00pm UK time, October 9, 2020, and therefore Petitioners need to take Mr. Gordon's deposition sufficiently in advance of October 9 to prepare the portions of his deposition to be submitted to the UK Court.

All parties agree that time is of the essence. Accordingly, Petitioners respectfully request that this Court expedite consideration of this Application.

A proposed order is attached hereto as **Exhibit A**.

Mark Kenneth Baber Saxby, Andrew John Winterburn, Gary Dickinson, and Jeremy Wilson

By their attorneys,

Dated: September 18, 2020

/s/ Scott R. Magee

Scott R. Magee (BBO# 664067)

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